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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,962	11/29/2001	Robert Hanson	DOCUSY 3.0-007	4898

530 7590 02/07/2007  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER
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COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/997,962

Applicant(s)

HANSON ET AL.

Examiner

Dilek B. Cobanoglu

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/29/2001, 6/4/2002, 7/29/2002.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is in response to the Request for Continued Examination (RCE) filed on 11/13/2006. Claims 1, 16, 27 and 31 have been amended. Claims 1-36 are still pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being unpatentable by Walker et al. (hereinafter Walker) (U.S. Patent No. 5,651,775).

A. As per claim 16, Walker discloses a method for tracking data associated with a medical device adapted for the administration of a drug to a patient, said method comprising providing a source of a drug to be administered to a patient, associating a tracking code with said source, providing data associated with said drug to be administered (Walker; abstract, col. 2, lines 7-19), and storing said data in association with said tracking code (Walker; col. 1, lines 54-67), wherein said tracking code is a unique identifier associated with the source of the drug, such that the data may be altered and still be associated to the same unique identifying tracking code (Walker; col. 2, lines 7-19, figures 5A, 6D).

B. As per claim 17, Walker discloses the method of claim 16, wherein said data

is stored on a storage device (Walker; col. 5, lines 26-40).

C. As per claim 18, Walker discloses the method of claim 17, further including retrieving said data associated with said tracking code from said storage device (Walker; col. 5, lines 26-40).

D. As per claim 19, Walker discloses the method of claim 16, wherein said tracking code comprises a bar code (Walker; col. 2, lines 29-35, col. 6, lines 25-32).

E. As per claim 20, Walker discloses the method of claim 19, further including scanning said bar code for identifying said drug associated with said bar code prior to administration of said drug to a patient (Walker; col. 6, line 66 to col. 7, line 8, col. 7, lines 49-57).

F. As per claim 21, Walker discloses the method of claim 16, further including affixing said source to a cradle (Walker; col. 6, lines 20-37).

G. As per claim 22, Walker discloses the method of claim 21, further including adhering a label containing said tracking code to at least one of said cradle and said source (Walker; col. 6, lines 20-37).

H. As per claim 23, Walker discloses the method of claim 21, wherein said cradle comprises a syringe label cradle (Walker; col. 5, lines 49-59).

I. As per claim 24, Walker discloses the method of claim 21, wherein said cradle comprises a port label cradle (Walker; col. 5, lines 49-59).

J. As per claim 25, Walker discloses the method of claim 16, wherein said source comprises a syringe (Walker; col. 5, lines 49-59).

K. As per claim 26, Walker discloses the method of claim 16, wherein said source comprises an IV port (Walker; col. 5, lines 3-9).

L. As per claim 27, Walker discloses a method for tracking data associated with a medical device adapted for the administration of a drug to a patient, said method comprising providing a source of a drug to be administered to a patient (Walker; abstract, col. 2, lines 7-19), affixing said source in a cradle (Walker; col. 6, lines 20-37), providing a label having a bar code corresponding to a tracking code affixed to at least one of said source and said cradle (Walker; col. 6, lines 20-37), identifying data associated with said drug and said patient, storing said data in association with said tracking code on a storage device, updating said data and associating the same tracking code with the updated data (Walker; col. 2, lines 7-19, col. 5, lines 26-30).

M. Claims 28 and 29 repeat the same limitations as claims 25 and 26 respectively. Therefore rejected for the same reasons given above in the rejections of claims 28 and 29, and incorporated hereinwith.

N. As per claim 30, Walker discloses the method of claim 27, said tracking code identifies a single source associated with a single patient (Walker; col. 5, lines 3-9).

O. As per claims 1-15, they are apparatus claims, which repeat the same limitations of claims 16-30, the corresponding method claims, as a collection of elements as opposed to a series of process steps. Since the teachings of Walker disclose the underlying process steps that constitute the methods of

claims 1-30, it is respectfully submitted that they provide the underlying structural elements that perform the steps as well. As such, the limitations of claims 1-15 are rejected for the same reasons given above for claims 16-30.

P. As per claims 31-36, they are system claims, which repeat the same limitations of claims 16-30, the corresponding method claims, as a collection of elements as opposed to a series of process steps. Since the teachings of Walker disclose the underlying process steps that constitute the methods of claims 16-30, it is respectfully submitted that they provide the underlying structural elements that perform the steps as well. As such, the limitations of claims 31-36 are rejected for the same reasons given above for claims 16-30.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach Drug delivery and monitoring system 20040082918, Drug delivery and monitoring system 20010056258, Drug delivery and monitoring system 6685678 B2, System for verifying and recording drug administration to a patient 4853521 A, System and method for collecting data and managing patient care 5781442 A, Automated method for filling drug prescriptions

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5883370 A, System and method for drug management 6021392 A, Injection tracking and management system 20010049608.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DBC

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01/24/2007

Carolyn Black  
Patent Examiner - 3626  
2/2/07